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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/715,739 | 11/18/2003 | Yoav Rosen | WAVE-3US | 4385 |

7590 05/11/2004

Inna S. Landsman
Inna Shtivelband Landsman, P.C.
5 Militia Drive
Lexington, MA 02421

EXAMINER

OLSON, LARS A

ART UNIT PAPER NUMBER

3617

DATE MAILED: 05/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/715,739 | Applicant(s) ROSEN, YOAV | |
| | Examiner Lars A Olson | Art Unit 3617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 15-22 is/are rejected.
- 7) ☒ Claim(s) 12-14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/18/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11 and 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price (US 4,318,700).

Price discloses a watercraft for transporting one or more persons, as shown in Figures 1-12, that is comprised of first and second hulls, defined as Part #13, each having a cavity, defined as Part #17, with a substantially flat bottom that extends from the top of each hull downwards, as shown in Figures 9-11, and is sufficiently wide to accommodate a person's leg and foot when said person is aboard said watercraft, in combination with a connector, as shown in Figures 8 and 9, that is rigidly attached to each of said first and second hulls, allowing a person aboard said watercraft to have one foot or leg in the cavity of each hull. Said watercraft further includes a seating means, defined as Part #35 in Figures 1 and 6, that is attached to said connector.

Price also discloses a method for manufacturing a watercraft, as shown in Figures 1-12, that is comprised of the steps of manufacturing first and second hulls, manufacturing a connector, and assembling said first and second hulls with said connector to make a watercraft, as shown in Figures 8-10.

Price, as set forth above, discloses all of the features claimed except for the use of a cavity in each of said hulls that extends downwardly substantially to the bottom of each of said hulls, a seat that is longer than it is wide, a pair of hulls each with a wetted beam of between 4 and 8 inches, a length to wetted beam ratio of between 12/1 and 40/1, and a height that is greater than its width, with a wetted beam to draft ratio of between 1/1 and 2/1.

The use of a hull with a cavity that extends downwardly substantially to the bottom of said hull would be considered by one of ordinary skill in the art to be a design choice based upon the required buoyancy provided by said hull and the desired amount of empty space to be provided within said hull for accommodating persons or cargo.

The use of a seat that is longer than it is wide would also be considered to be a design choice based upon the intended seating position in which a person will utilize said seat.

The use of a hull having a specific length, width and height, as well as specific length to width and height to width ratios would also be considered to be a design choice based upon the required size of said hull, its intended operating height over the surface of a body of water, and its intended draft within said body of water.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a pair of hulls having specific length to width and height to width ratios, as well as a cavity that extends substantially to the bottom of each of said hulls, in combination with the watercraft as disclosed by Price for the purpose of providing a watercraft that is capable of providing increased internal space for

accommodating persons or cargo while also being more stable to operate on a body of water.

Allowable Subject Matter

3. Claims 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rowlett (US 5,657,713) discloses a watercraft with a pair of canoe hulls that are held together by a rigid connector. Craig (US 5,529,008) discloses a watercraft with a pair of solid hulls and a connector with two seats attached. Masters (US 5,189,974) discloses a watercraft comprised of a pair of kayak hulls that are held together by a rigid connector. Loffler (US 4,624,209) discloses a watercraft comprised of a pair of canoe hulls with a deck platform that connects said hulls together. Upchurch (US 4,295,236) discloses a watercraft having a pair of pontoon hulls held together by a connector with a seating means. Bombardier et al. (US 3,790,977) discloses a watercraft with a saddle seat and a pair of cavities in a hull on either side of said saddle seat for accommodating the feet of a person.

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5. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

May 3, 2004

LARS A. OLSON
PATENT EXAMINER

Lars Olson
5/3/04